

ZA/SDD:AAS/DMP/ICR
F.#2015R00096

15M 543

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 2339B(a)(1))

MUNTHER OMAR SALEH,
also known as "Abu Omar al-Ramli"
and "Abu Omar ar-Ramli,"

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER J. BUSCAGLIA, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between February 2015 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MUNTHER OMAR SALEH, also known as "Abu Omar al-Ramli" and "Abu Omar ar-Ramli," together with others, did knowingly conspire to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including service and personnel, to a foreign terrorist organization, to wit: Islamic State of Iraq and the Levant.

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the Federal Bureau of Investigation for approximately five years and have been assigned to the New York Joint Terrorism Task Force ("JTTF") for approximately four years. As a Special Agent, I have investigated numerous matters during the course of which I have conducted physical surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. The defendant MUNTHER OMAR SALEH is a 20-year-old United States citizen. SALEH lives in Queens, New York. In or about January 2015, SALEH enrolled as a student at a college specializing in aeronautics located in Queens, New York, and began coursework and laboratory work in electrical circuitry.

3. An investigation by the JTTF has revealed that SALEH espouses violent jihadist beliefs and is a fervent supporter of the foreign terrorist organization Islamic State of Iraq and the Levant ("ISIL"). The investigation has uncovered that SALEH is making efforts to prepare an explosive device for detonation in the New York metropolitan area on behalf of ISIL. Additionally, SALEH has offered assistance to ISIL by translating ISIL

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

propaganda materials into English for dissemination to English-speaking persons. Early this morning, SALEH was arrested while attempting to attack a law enforcement officer.

I. ISIL

4. ISIL is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, and launching rocket attacks on eastern Lebanon in March 2014. These terrorist activities are part of ISIL's broader goal of forming an Islamic state or "caliphate" in Iraq and Syria. On October 15, 2004, the United States Secretary of State designated al-Q'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham, the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq" this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State ("IS"). To date, ISIL remains a designated FTO.

5. On or about May 14, 2015, ISIL released an audio recording, purportedly containing a message from ISIL leader Abu Bakr al-Baghdadi, in which he urged Muslims to take up arms on behalf of ISIL by either traveling to Syria to fight for ISIL or launching attacks wherever they were. Specifically, al-Baghdadi was quoted in open source news articles as stating, “There is no excuse for any Muslim not to migrate to the Islamic State Joining is a duty on every Muslim. We are calling on you either join or carry weapons [to fight] wherever you are.” This audio statement echoes calls by pro-ISIL radio stations and social media over the last several months for ISIL supporters to either travel to Syria to fight on behalf of the ISIL or to launch attacks wherever the ISIL supporters may be located.

II. The Defendant

A. SALEH’s Online Activities

6. During 2014 and 2015, SALEH’s online activities revealed his violent jihadist ideology and in particular his support for ISIL. For example, on or about September 10, 2014, SALEH tweeted² “i fear AQ could be getting too moderate.”³ I believe that “AQ” is used to refer to al-Qaeda. On or about February 3, 2015, SALEH tweeted, “Subhan Allah, IS is known for their high end videos, great weaponry, and quality fighters.” “Subhan Allah” is an Arabic phrase meaning “Glorious is God,” and “IS” appears to be a reference to the Islamic State. In another tweet on or about the same day, SALEH wrote “Khilafah offers

² To publish these tweets, SALEH used Twitter accounts that, according to Internet Protocol information, were created at SALEH’s verified home address.

³ All citations to electronic communications contain the original spelling, punctuation, and grammar.

us to live under the laws Allah prescribed for us, if we fear him we would rush to the land to be governed by it.” “Khilafa” is the Arabic word for “caliphate,” and appears to be a reference to the caliphate that ISIL is trying to establish in Iraq and Syria. In other tweets in January and February 2015, SALEH expressed support for the Charlie Hebdo terrorist attacks in Paris, France; the immolation of Jordanian Air Force pilot Lt. Muath al-Kasasbeh by ISIL; the beheading of Japanese journalist Kenji Goto by ISIL; and the establishment of an ISIL military presence and Sharia law in New York City.

7. Judicially authorized electronic surveillance has revealed that, on or about March 9, 2015, SALEH emailed himself a multi-page attachment in Arabic written by “Sheikh Abu Bara’a al-Sayf.” Sheikh Abu Bara’a al-Sayf is a prominent contributor to the Ghuraba Media Foundation, which is an entity that disseminates original content supporting ISIL and its mission on Twitter and other social media. The first page of the document depicts a bullet crashing through glass. The document consists of jihadist propaganda material defending the establishment of an Islamic caliphate against those who speak out against its legitimacy.

8. More recently, on or about May 5, 2015, SALEH tweeted his support for the terrorist attack in Garland, Texas. In the attack, which occurred on May 3, 2015, two individuals equipped with body armor and assault rifles began shooting outside a location that was hosting a cartoon contest featuring depictions of the Prophet Mohammed. The gunmen injured a security guard, before being shot and killed themselves. Several days after the attack, a radio station purportedly affiliated with ISIL broadcast a statement by ISIL claiming responsibility for the attack and describing the gunmen as “brothers.” On or about May 5,

2015, SALEH re-tweeted “al-Bayan [an Islamic radio station purportedly launched by ISIL] broadcast acknowledging brothers blessed attacks in US as their soldiers. May Allah accept them as martyr...ameen!” On or about the same day, SALEH re-tweeted a photograph of a message from ISIL with the caption “IS claim responsibility for the Texas attack and tell America that what’s coming will be even worse.”

9. In addition, SALEH has also posted tweets suggesting that he translates Arabic videos to English, and that he has translated the content of videos published by ISIL. For instance, on or about February 2, 2015, SALEH tweeted, “I lost the Islamic state in Nigerias Aqeedah video, im almost done translating it, if u have a link please send!” On or about May 18, 2015, judicially authorized electronic surveillance revealed that SALEH viewed on a message board a post seeking translation of Arabic material referenced in a lecture by Anwar al-Awlaki.⁴

B. The Interview of SALEH

10. On or about March 22, 2015, a Port Authority police officer observed SALEH, on foot and carrying a lantern, approaching the George Washington Bridge on the Fort Lee, New Jersey side of the bridge. SALEH asked the police officer for a ride across the Bridge. The officer said that he could not give SALEH a ride, but directed him to a bus terminal where SALEH could take a bus to the New York side of the Bridge. When the Port Authority police officer subsequently went to the bus terminal to look for SALEH, he was not there. SALEH did not take the bus across the bridge.

⁴ Anwar al-Awlaki was a United States-born radical Islamic cleric and prominent leader of the foreign terrorist organization al Qaeda in the Arabian Peninsula who was killed on or about September 30, 2011.

11. On or about March 23, 2015, the same Port Authority police officer observed SALEH walking on the George Washington Bridge from New Jersey toward New York. SALEH was looking around repeatedly while walking along the bridge. The Port Authority officer asked SALEH to accompany him back to the Port Authority office in Fort Lee, New Jersey, and SALEH agreed.

12. Later that day, law enforcement personnel assigned to the JTTF interviewed SALEH in Fort Lee, New Jersey. During the interview, SALEH stated that he had gone to New Jersey to visit a friend. When asked what he thought of ISIL, SALEH stated that he was not sure and had heard that they were murdering children. SALEH denied knowing anyone who had discussed traveling to Syria, other than a family friend who attended school in Syria. SALEH expressed disapproval of ISIL and stated that he did not condone violence.

13. During the interview, SALEH consented to a search of his computer. SALEH declined to provide the password to JTTF personnel, but entered the password himself and allowed law enforcement agents to view the contents of his computer. On the computer, law enforcement agents observed multiple files that included the word "translation." These files included a document containing writings by "Sheikh Abu Bara'a al-Sayf," the author of the document SALEH had emailed to himself on or about March 9, 2015. SALEH denied any familiarity with "Sheikh Abu Bara'a al-Sayf" or his writings. Another document on SALEH's computer had the partial title "lock.aqeedah of IS in N" This appears to be a reference to the "Islamic state in Nigerias Aqeedah video" that SALEH had previously tweeted about translating. I believe the names of these electronic files,

coupled with SALEH's public tweets about translating materials for ISIL, indicate that SALEH is, in fact, translating ISIL propaganda into English. Notably, SALEH claimed during the interview never to have viewed either file and denied ever translating documents or working in any translation capacity.

C. SALEH's Effort to Conduct a Terrorist Attack on Behalf of ISIL

14. SALEH's recent activities reveals his continuing effort to conduct a terrorist attack on behalf of ISIL, including by learning how to construct and detonate an explosive device. For example, on or about March 7, 2015, SALEH sent a message from his Yahoo email address to a third party with the subject line "LABS 4 & 5" and the comment "in sha Allah these work ☺." The email included lab manuals for parallel and series circuits. Additionally, as stated above, SALEH is attending a school specializing in aeronautics, where he is taking a course and laboratory in electrical circuitry. Based on my training, experience, and knowledge of this investigation, I am aware that skills in electrical circuitry are useful in the construction of an explosive device.

15. According to judicially authorized electronic surveillance, on or about the evening of May 5, 2015, and the early morning of May 6, 2015, SALEH accessed home pages for the U.S. Army Rangers and the U.S. Army Special Forces, looking at links to pages such as "training and equipment" and "gear and weapons." SALEH then conducted Internet searches for a "Service Rifle," a Special Operations Forces combat assault rifle, a combat tomahawk, a ranger-series fixed blade knife, and a tactical axe. These types of weapons have recently been used in terrorist attacks by ISIL supporters around the world.

16. On or about May 7, 2015, a confidential human source who has previously provided reliable information (the "CHS"), initiated a conversation with SALEH. During the conversation, SALEH asked the CHS where he/she was located. The CHS stated that he/she was in "dar al harb," which is a reference to regions of the world where Islam does not dominate, and then stated the "North east coast." SALEH asked whether the CHS was in America, and the CHS indicated he/she was. SALEH then stated, "Well I'm in NY and trying to do an Op." Based on my training and experience, I understand "Op" to be shorthand for "operation" and to refer to an effort to conduct a terrorist attack.

17. During a further conversation with the CHS, SALEH stated, "Akhi [my brother] I'm very sorry, but I was ordered by dawlah officials not to talk to anyone." SALEH ceased further contact with the CHS. "Dawla al Islamiya" is a known alias of ISIL, and therefore, based on my training and experience, I believe "Dawlah" refers to ISIL. I believe that SALEH's final communication to the CHS indicated that he is taking orders from persons he believes are ISIL officials ("Dawlah officials") and that pursuant to their orders he could not communicate further with the CHS.

18. Judicially authorized electronic surveillance has revealed that, on or about May 7, 2015, SALEH emailed himself information from the Internet regarding the construction of a pressure cooker bomb. The information is similar to that available in online documents created by foreign terrorist groups, including the foreign terrorist organization al Qaeda in the Arabian Peninsula in an August 2014 pamphlet titled "Palestine: Betrayal of the Guilty Conscience." I am aware that pressure cooker bombs have been used in a number of terrorist attacks, including most recently the 2013 Boston Marathon attack.

The information that SALEH emailed to himself included lists of components that could be used to construct a pressure cooker bomb. Notably, those components are all likely obtainable at SALEH's aeronautics college. I further believe that SALEH's study in electrical circuitry would provide more than adequate training for SALEH to construct a pressure cooker bomb or another explosive device.

19. On May 10, 2015, members of law enforcement performing physical surveillance observed SALEH enter a "spy" store in Queens, which sells products including microphone detectors, hidden cameras and alarm systems, as well as other materials and equipment that could assist SALEH in constructing an explosive device without detection by members of law enforcement. SALEH exited the store without carrying any visible bags or items.

20. Judicially authorized electronic surveillance revealed that, on or about May 10, 2015, SALEH performed Internet searches for, among other things, the terms "watch," "casio," and "vacuum." SALEH also viewed online advertisements in the New York City area for watches, vacuum cleaners, lamps, and vehicles including vans and motorcycles. Based on my training and experience, I am aware that a watch could supply the timer for an explosive device, parts of a vacuum could serve as a case for an explosive device, a lamp could supply parts used in an explosive device, and a vehicle could be used to transport the device. Therefore, I believe that these searches reflect SALEH's efforts to identify and obtain components required to create an explosive device.

21. On or about May 15, 2015, a co-conspirator who has assisted in SALEH's plan to construct an explosive device ("CC1"), as described herein, sent SALEH a

link to a YouTube video which includes an image of ISIL's flag and features propaganda regarding ISIL's occupation of Syria. Similarly, on or about May 17, 2015, CC1 sent SALEH a text message alerting SALEH that U.S. forces had recently killed a senior member of ISIL. Law enforcement agents have observed SALEH meeting with CC1 on nearly a daily basis between May 11, 2015 and June 13, 2015.

22. Judicially authorized electronic surveillance revealed that, on or about May 16, 2015, SALEH viewed an article from "Fountain Magazine" titled "What Does Islam Say About Killing an Innocent Person?" On or about May 16, 2015, SALEH accessed the webpage "www.answering-christianity.com," which is titled "Islam: The True Religion of God Almighty" and "For those seeking the TRUTH," and read an article titled "Does Islam really allow the killing of innocent unbelievers?"

23. On or about May 17, 2015, CC1 accessed product pages on the Internet for the following items: "FDA Approved" work gloves, sewing machine, a chemistry model, a drill, a lava lamp, and an "Instant Pot" pressure cooker with an electronic timer. CC1 also accessed various news articles pertaining to ISIL and the Boston Marathon bombing, which was conducted through the use of pressure cooker bombs. I am aware that all of these items could be used as components for a pressure cooker bomb or could be used to help prepare a pressure cooker bomb. Therefore, I believe that these searches reflect CC1's efforts to identify and obtain components required to create an explosive device

24. On or about May 19, 2015, law enforcement agents observed SALEH obtain a digital black wrist watch at a store in Queens, New York. As noted above, a watch may be used as a timer for an explosive device.

25. On or about May 26, 2015, SALEH viewed online advertisements for a crockpot and what appeared to be prescription medicine bottles filled with beads for making jewelry. On or about May 27, 2015, SALEH searched links on the Internet for propane. On or about May 28, 2015, SALEH viewed online advertisements for an LED light, a garden hose, a pipe or pump, a pipe or exhaust, and a saw. Based on my consultations with law enforcement technical experts on explosive devices, I believe that these are all potential components of an explosive device, including shrapnel, or tools for the construction of an explosive device.

26. On or about May 28, 2015, SALEH viewed images on the Internet of various notable New York City landmarks and tourist attractions. Based on my training, experience, and knowledge of this investigation, I believe SALEH viewed this information to assess potential targets for a terrorist attack.

27. On or about May 31, 2015, SALEH conducted Internet searches for closed circuit television, surveillance cameras, digital video recorders and a map of surveillance cameras. SALEH also viewed an image taken from security footage of the Columbine school shooting. I believe that SALEH viewed these pages to learn more about law enforcement surveillance and how to evade it. SALEH again viewed information on various notable landmarks in New York. I believe SALEH viewed this information to assess potential targets for a terrorist attack.

28. Also on or about May 31, 2015, SALEH accessed images of weapons including a Smith & Wesson Model 41 semi-automatic pistol and other firearms. On or about June 1, 2015, SALEH viewed multiple pages of a sporting goods store that referred to

“hunting,” “shooting,” “hunting gear,” and “hunting supplies.” Such items could all potentially be used in a terrorist attack in the United States.

29. On or about June 7, 2015, SALEH conducted Internet searches for knives, ammunition, a crossbow, a tool used to break glass, a bulletproof vest, a chemical mask, masks, costumes, and various disguises including beards and wigs. In addition, SALEH also conducted Internet searches for remote controlled helicopters and drones. Again, based on my training and experience, these are all items that could be used in a terrorist attack and/or to evade or detect law enforcement.

30. Early this morning, members of law enforcement performing surveillance observed another co-conspirator (“CC2”) driving SALEH and CC1 in a green Jeep Cherokee (the “Green Jeep”). Members of law enforcement observed SALEH, CC1, and CC2 go to a car wash where they vacuumed the interior of the Green Jeep. Later, while driving, CC2 performed various anti-surveillance maneuvers, including driving quickly through a parking lot with the vehicle’s lights off, failing to observe stop signs, and pulling over before quickly accelerating in order to closely follow a law enforcement vehicle (the “Law Enforcement Vehicle”) performing surveillance on the co-conspirators.

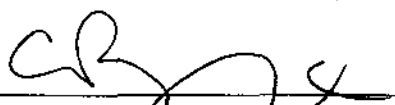
31. At approximately 4 a.m., while the Green Jeep was stopped at a red light on 20th Avenue in Queens near the Whitestone Expressway, SALEH and CC1 exited the Green Jeep and took several steps towards the Law Enforcement Vehicle before returning to the Green Jeep. Moments later, SALEH and CC1 stepped out of the Green Jeep again and began to run towards the Law Enforcement Vehicle, SALEH from one side of the vehicle, and

14

CC1 from the other side of the vehicle. The operator of the Law Enforcement Vehicle went in reverse to avoid the attack by SALEH and CC1.

32. Soon thereafter, other members of law enforcement arrived at the scene and arrested SALEH and CC1. A safety search of CC1 revealed a Smith & Wesson folding tactical knife in the waistband of CC1's pants. While being detained, SALEH and CC1 stated, in sum and substance, that they knew that they were being followed for multiple days by multiple vehicles.

WHEREFORE, your deponent respectfully requests that the defendant MUNTHER OMAR SALEH be dealt with according to law.


CHRISTOPHER J. BUSCAGLIA
Special Agent
Federal Bureau of Investigation

Sworn to before me this

13th day of June, 2015

D

/s/ Roanne Mann
THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK